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Attorneys for Plaintiff, Kayla Cashman, by and  
through her Guardian Ad Litem, Bernadette  
Hilgeman; and Stephen Cashman

FILED

08 MAR 20 AM 11:43

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CP DEPUTY

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

KAYLA CASHMAN, BY AND THROUGH  
HER GUARDIAN AD LITEM BERNADETTE  
HILGEMAN; AND STEPHEN CASHMAN

PLAINTIFF(S),

V.

SAN DIEGO UNIFIED SCHOOL DISTRICT;  
JAMES GOOD, INDIVIDUALLY AND  
DOES 1 THROUGH 20

Case Number 08 CV 0519 BEN POR

## COMPLAINT FOR PERSONAL INJURY

1. UNLAWFUL SEARCH AND SEIZURE
2. UNLAWFUL POLICIES, CUSTOMS OR HABITS
3. NEGLIGENCE
4. FALSE ARREST/FALSE IMPRISONMENT
5. CIVIL RIGHTS VIOLATION
6. INTENTION INFLICTION OF EMOTIONAL DISTRESS

Judge:  
Dept:

ORIGINAL

COMES NOW plaintiffs, Kayla Cashman by and through her Guardian ad Litem  
Bernadette Hilgeman, and Stephen Cashman, individually and for causes of action against  
defendants and each of them, complains and alleges as follows:

**GENERAL ALLEGATIONS**

1  
2           1.       Plaintiff, KAYLA CASHMAN, is a minor and resident of San Diego, California, and  
3 the accident complained herein occurred in the County of San Diego. Plaintiff is a minor having  
4 been born on July 11, 1991. Plaintiff alleges and affirms that a proper governmental claim was  
5 submitted to the San Diego Unified School District for the injuries alleged herein, and such claim  
6 was denied, in a letter dated September 24, 2007, and thereafter mailed by the District.  
7 Following the Dismissal of all charges in the criminal action, a supplemental claim was  
8 submitted to the District, which claim was summarily denied on March 19, 2008. The time for  
9 bringing this complaint is within the statutory timelines provided by law.

10           2.       Plaintiff, Stephen Cashman, is a resident of the County of San Diego. Plaintiff  
11 alleges and affirms that a proper governmental claim was submitted to the San Diego Unified  
12 School District for the injuries alleged herein, and such claim was denied, in a letter dated  
13 September 24, 2007, and thereafter mailed by the District. The complaint brought herein is filed  
14 within the requisite statutory period for bringing such claims.

15           3.       Defendant SAN DIEGO UNIFIED SCHOOL DISTRICT (hereinafter "District") at all  
16 times relevant to this complaint was and/or is a governmental agency and/or District and which is  
17 subject to the Government code. The District owns and operates Patrick Henry High School  
18 wherein the acts herein complained occurred on and after March 31, 2007.

19           4.       Defendant JAMES GOOD (hereinafter "Good") at all times relevant to this  
20 complaint was and/or is a resident of San Diego, and further, during all relevant times to this  
21 complaint was acting outside the authority provided to him as a District, and whose actions were  
22 so reprehensible as to subject him to independent liability for the acts complained of herein.

23           5       Plaintiff is unaware of the true names and capacities of the defendants named as  
24 DOES 1 through 50, and therefore sue these defendants as fictitious parties. Plaintiff will, upon  
25 learning the true names and capacities of these DOE defendants, seek leave to amend the  
26 complaint so that the true names and capacities of these individuals may be added to the  
27 complaint. At this time, Plaintiff states on information and belief that each of the fictitiously  
28 named defendants was at all pertinent times acting as the agent of the named defendants and one

1 another and are responsible in some manner for the events and happenings herein referred to and  
2 caused injuries and damages proximately thereby as hereinafter alleged.

3 **FACTUAL BACKGROUND**

4 6. On or about March 31, 2007, plaintiff was a student at Patrick Henry High School  
5 (hereinafter referred to as PHHS) which is part of the San Diego Unified School District.  
6 Plaintiff was a member of the Patrick Henry High School track team and was participating in the  
7 Elmer Runge Invitational track meet sponsored by PHHS. Prior to the meet, plaintiff and other  
8 PHHS track athletes were advised and requested to assist visiting team coaches, with  
9 transportation of equipment.

10 7. According to PHHS custom and practice, students were utilized to operate District  
11 owned golf and/or utility carts during the course of the track meet. District employees provided  
12 keys and authority to student's to operate the golf carts. On March 31, 2007, two (2) such  
13 students were selected, but the responsible teacher/coach never verified California Driver's  
14 license status or pre-existing disciplinary actions taken against either student. Neither student  
15 recall being told other kids could not drive the carts. The students with the keys to the carts were  
16 not monitored or supervised while the carts were used at the track meet.

17 8. Prior to 3:00 pm, on March 31, 2007, plaintiff, Kayla Cashman, saw students  
18 driving the golf carts and helping put away cones and other materials utilized during the course  
19 of the track meet. She subsequently only saw one cart being used, because one had ceased to  
20 operate.

21 9. At approximately, 3:00 pm March 31, 2007, Plaintiff, Kayla Cashman, was asked  
22 by one of the students driving the cart, if she wanted to drive, too which she responded yes.  
23 While watching an event, one of the visiting track coaches requested assistance with materials he  
24 needed taken to his car. Plaintiff agreed to assist, and she along with the other students took the  
25 coaches equipment to his car which was parked on an upper level on PHHS property.

26 10. While returning to the main field level, plaintiff lost control of the cart, and  
27 crashed into a cyclone fence causing herself injury, which included a broken ankle requiring  
28 internal fixation and multiple surgeries. As of the date of this filing plaintiff, Kayla Cashman,

1 continues to suffer pain and discomfort in her ankle, and continues to have hardware embedded  
2 in her ankle. Plaintiff never left school ground with the cart.

3 11. District personnel were aware of the accident and injuries on March 31, 2007.  
4 PHHS students were on Spring Break from April 2<sup>nd</sup> through and including April 6, 2007.  
5 Neither Plaintiff, Kayla Cashman, nor her parents were contacted regarding the cause of the  
6 accident during Spring Break.

7 12. Campus police officer, Jesus Montana, received formal notification of the  
8 accident on Sunday, April 2, 2007, via e-mail. On April 9, 2007, the students, including plaintiff  
9 returned to School. Plaintiff, Kayla Cashman, was removed from her fifth period class, and  
10 escorted by campus security assistant's to Mr. Montana's office. Prior to conducting  
11 interrogation, Mr. Montana was aware that a criminal offense had been committed, and that  
12 Plaintiff was the primary if not only alleged culprit. Officer Montana was unaware of the  
13 Constitutional requirement requiring a parent be present during an interrogation. Officer  
14 Montana was unaware of any District policy requiring a parent be present during an  
15 interrogation. Officer Montana conducted the interrogation with only he and plaintiff present.  
16 After the interrogation, Officer Montana arrested plaintiff for stealing the golf cart and  
17 vandalism. Officer Montana subsequently released Plaintiff to defendant Good, advising  
18 defendant Good of the arrest. Both officer Montana and defendant Good, repeatedly advised  
19 plaintiff that all charges and disciplinary action would go away if she and/or her father agreed to  
20 pay for the damage to the cart. Plaintiff refused.

21 13. Defendant Good thereafter contacted plaintiff, Stephen Cashman, and advised him  
22 that his daughter had been arrested, for felony theft and vandalism arising out of the golf cart  
23 incident, and further advised plaintiff Stephen Cashman that all charges would be dismissed and  
24 disciplinary action would stop, if Stephen Cashman agreed to pay for damage to the cart.

25 14. Plaintiffs' refused to pay for the golf cart repairs, and appealed the suspension.  
26 Based upon further investigation by the Defendant District, the Amended suspension form was to  
27 delete any reference to property theft. Despite these representations by the DISTRICT on March  
28 6, 2008, plaintiff, Kayla Cashman formally appeared for trial on felony counts of theft and

1 malicious vandalism. Despite the self – serving testimony of Officer Montana, the Court, per the  
2 Honorable, Judge Cynthia Bashant, granted defendants §1118 motion and dismissed all charges  
3 against plaintiff, Kayla Cashman after the prosecution rested its case in chief for lack of  
4 evidence.

5 I.

6 **FIRST CAUSE OF ACTION**

7 [42 U.S.C. §1983 Constitutional Violations—  
8 Unlawful Search and Seizure and Excessive Force]

9 15. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and  
10 incorporates by reference each and every allegation contained in Paragraphs 1 through 14 above  
11 as though fully set forth herein.

12 16. As a result of the acts alleged above, particularly the unlawful detentions,  
13 unlawful arrest and unlawful seizures of Plaintiff as described above, Plaintiff was unlawfully  
14 seized by Defendant District, by virtue of the action of officer Montana and Good, without a  
15 warrant, probable cause or reasonable suspicion, and without conducting a proper investigation.  
16 Thus, Plaintiff suffered an unlawful seizure in violation of her constitutional rights as guaranteed  
17 by the Fourth Amendment to the United States Constitution. As a result, Plaintiff is entitled to  
18 damages pursuant to Title 42 U.S.C. § 1983, et seq. in an amount to be proven at trial.  
19

20 17. As a further result of the acts alleged above, defendant used unreasonable,  
21 unjustified threat of excessive force and coercion upon Plaintiff Kayla Cashman. This  
22 unreasonable and excessive use of force constituted an unlawful seizure, in violation of  
23 Plaintiff's constitutional rights as guaranteed by the Fourth Amendment to the United States  
24 Constitution. As a result, Plaintiff Kayla Cashman is entitled to damages pursuant to Title 42  
25 U.S.C. § 1983 in an amount to be proven at trial.  
26  
27  
28

1           18.     As a further result of the acts alleged above, particularly the acts of filing false  
2     and/or inaccurate police reports which caused Plaintiff Kayla Cashman to be falsely charged with  
3     criminal violations, Plaintiff Kayla Cashman suffered an unlawful and/or malicious prosecution  
4     in violation of her right against unreasonable seizures as guaranteed by the Fourth Amendment to  
5     the U.S. Constitution. As a result, Plaintiff Kayla Cashman is entitled to damages pursuant to  
6     Title 42 U.S.C. section 183, et seq. in an amount to be proven in trial.  
7

8           19.     In committing and witnessing the acts alleged above, defendants and each of them  
9     failed to prevent, stop and/or intervene in these unprovoked and unjustified acts of unlawful  
10    detention/arrest, excessive force and/or malicious prosecution against Plaintiff, and failed to  
11    protect Plaintiff from these constitutional violations by its employees and/or agents, thereby  
12    violating Plaintiffs' Fourth Amendment rights.  
13

14           20.     As a proximate result of the acts alleged above, Plaintiff was injured in mind and  
15    body. Plaintiff suffered severe emotional distress from her unlawful seizures and the acts of  
16    threats by the officers. Plaintiff suffered additional emotional distress from her wrongful  
17    incarceration and her false/malicious prosecution. Plaintiff is therefore entitled to general and  
18    compensatory damages in an amount to be proven at trial.  
19  
20

21                           **SECOND CAUSE OF ACTION**

22                           [42 U.S.C. § Constitutional Violations via  
23                           Unlawful Policies, Customs or Habits]

24           21.     Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and  
25    incorporates by reference each and every allegation contained in Paragraphs 1 through 14 above  
26    as though fully set forth herein.

27           22.     On information and belief Plaintiff Kayla Cashman alleges that defendant District  
28    individually, and through it's campus police, has unlawful policies, customs and habits of

1 improper and inadequate hiring, training, retention, discipline and supervision of it's officers,  
2 proximately causing the constitutional deprivations, injuries and damages alleged in the First  
3 Cause of Action. Plaintiff alleges that the policies established by the DISTRICT violate  
4 Constitutional rights by failing to require a parent be present during interrogations, and as such  
5 the DISTRICT violates its fiduciary duty to act as In loco parentis and violates its obligations to  
6 act as In loco parentis. Plaintiff is further informed and believe that other citizens have been  
7 treated unlawfully and abused by officers, but the District, has a custom, policy or practice of  
8 failing to properly protect the rights of minor's by failing to contact a parent prior to  
9 interrogations, thus leading to the Constitutional violations against Plaintiffs as described above.  
10 As a result, Plaintiff is entitled to damages pursuant to Title 42 U.S.C. § 1983, in an amount to be  
11 proven at trial.  
12

13  
14 23. Further, on information and believe Plaintiff's allege that defendant District, has  
15 an unlawful policy, custom or habit of permitting or condoning unlawful seizures and detentions,  
16 by its campus police force,, and of permitting and condoning unlawful interrogations by its  
17 officers, which led to unlawful search and seizure. Defendant District has a further unlawful  
18 policy, custom and habit of inadequate training, supervision and discipline of its officers,  
19 including the deputies involved in this incident.  
20

21 24. Specifically, the District refused and failed to investigate the complaint, of  
22 Plaintiffs' herein. Indeed, District refused to investigate Plaintiffs' complaint based solely upon  
23 the police report of the very officer that abused Plaintiff who was the subject of Plaintiffs'  
24 complaint and whose version of this incident Plaintiff vigorously disputed. In short, the District  
25 reached a conclusion that the officer & administration acted properly without an investigation,  
26 without interviewing several civilian witnesses and despite the fact that a Superior Court judge  
27 dismissed Plaintiff Kayla Cashman's criminal case as a result of her finding that Plaintiffs were  
28



1 unlawfully seized by these deputies, in violation of their Fourth Amendment rights, and finding  
2 no credible evidence to support the charges and/or crimes.

3 25. These policies and failures constituted additional ratification of and acquiescence  
4 in acts of, false arrest, unlawful search and seizure and other improprieties by the District and its  
5 officers, which thereby encourages officers to continue to commit additional improprieties, then  
6 prepare false and inaccurate reports. These policies and failures were the moving force behind  
7 the injuries suffered by Plaintiff, constituted ratification by the District and also constituted  
8 deliberate indifference to the rights and safety of Plaintiff and other members of the public.  
9

10 26. As a proximate result of the unlawful policies, customs and habits alleged above,  
11 Plaintiffs suffered the constitutional violations, injuries and damages alleged in the First Cause of  
12 Action and thus are entitled to general and compensatory damages against defendant SDUSD in  
13 an amount to be proven at trial.  
14

### 15 STATE LAW CLAIMS

16 The following claims are brought under California law on behalf of both Plaintiffs.  
17  
18

### 19 THIRD CAUSE OF ACTION

20 [Negligence]

21 27. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and  
22 incorporates by reference the allegations contained in paragraphs 1 through 14 above as though  
23 fully set forth herein.  
24

25 28. By the acts alleged above, Defendant District was negligent and breached its duty  
26 of due care owed to Plaintiff, Kayla Cashman, thereby causing the injuries and severe emotional  
27 distress as described in the Factual Allegations and the First Cause of Action, particularly  
28



1 paragraphs 6 through 20 above. Plaintiffs are therefore entitled to general and compensatory  
2 damages in an amount to be proven at trial.

3 29. Defendant, DISTRICT was further negligent in permitting student's to drive and  
4 utilize the golf carts without supervisory control, monitoring and oversight.

5 30. Defendant DISTRICT's failure to control and/or monitor and/or supervise the  
6 operation of the carts led directly to Plaintiff, Kayla Cashman's operating the cart and suffering  
7 of physical injuries by way of the cart running into the fence. Said inaction and failures by the  
8 DISTRICT was the proximate cause of plaintiff's injuries arising from the collision with the  
9 fence and for which she has suffered injury and incurred expenses, physical deformity, pain and  
10 suffering and distress.  
11

12 31. Further, Plaintiff is entitled to recover for the emotional distress she suffered as a  
13 result of the action of the District. Plaintiff is therefore entitled to recover general and  
14 compensatory damages for their emotional distress in an amount to be proven at trial.  
15  
16

17 **FOURTH CAUSE OF ACTION**

18 [False Arrest/False Imprisonment]

19 30. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and  
20 incorporates by reference the allegations contained in paragraphs 1 through 29 above as though  
21 fully set forth herein.

22 31. By the acts alleged herein, particularly the act of unlawfully detaining, falsely  
23 arresting and/or falsely imprisoning Plaintiff, Kayla Cashman, without a warrant or probable  
24 cause, Plaintiff was falsely arrested and/or falsely imprisoned, entitling her to damages pursuant  
25 to California law.

26 32. As a result of these acts, Plaintiff suffered the injuries and damages described in  
27 the Factual Allegations and paragraphs 6 through 30 above and severe pain, suffering and/or  
28

1 emotional distress, and legal fees and costs to defend herself in the criminal proceeding entitling  
 2 her to damages in an amount to be proven at trial.

3 33. In committing the acts alleged above, the individually named defendants acted  
 4 maliciously and/or oppressively and were guilty of a wanton and reckless disregard for the rights,  
 5 feelings and safety of Plaintiffs and by reason thereof Plaintiffs are entitled to exemplary and  
 6 punitive damages in an amount to be proven at trial.

### 7 8 **FIFTH CAUSE OF ACTION**

9 [Civil Code § 52.1 Civil Rights Violation]

10 34. Plaintiff, Kayla Cashman, by and through her Guardian ad Litem realleges and  
 11 incorporates by reference the allegations contained in paragraphs 1 through 33 above as though  
 12 fully set forth herein.

13 35. The acts alleged above, particularly the acts of unjustified criminal prosecution  
 14 and unreasonable search and seizure, constituted an unlawful seizure, in violation of Plaintiff,  
 15 Kayla Cashman's, rights guaranteed by the California Constitution (Article I, Section 13) and the  
 16 United States Constitution, specifically the Fourth Amendment thereto. These acts were  
 17 committed by threats, intimidation and/or coercion. Therefore, Plaintiff is entitled to damages  
 18 pursuant to California Civil Code section 52.1(b).

19 36. As a result of these acts, Plaintiff suffered the injuries and damages described in  
 20 the Factual Allegations and paragraphs 28 through 33 above and severe pain, suffering and  
 21 emotional distress, entitling her to damages in an amount to be proven at trial.

22 37. In committing the acts alleged above, the individually named defendants acted  
 23 maliciously and/or oppressively and were guilty of a wanton and reckless disregard for the rights,  
 24 feelings and safety of Plaintiff and by reason thereof Plaintiff is entitled to exemplary and  
 25 punitive damages in the amount to be proven at trial.

### 26 27 **SIXTH CAUSE OF ACTION**

28 [Intention Infliction of Emotional Distress]

38. Plaintiff, Stephen Cashman, realleges and incorporates by reference the allegations contained in paragraphs 1 through 14 above as though fully set forth herein.

39. In committing the acts hereinbefore described Defendant Good crossed the bounds of human decency by informing plaintiff, Stephen Cashman that his daughter had been arrested and expelled from school, unless and until either plaintiff agreed to pay for the damage caused to the cart which was the result of defendant's own acts and/or omissions. That at the time, Defendant Good made the statements he intended to provoke and did provoke an angry response from plaintiff, and to coerce and/or extort the money Good was demanding for the cart repair.

40. As a result of hearing the statements uttered by defendant Good, plaintiff Stephen Cashman had an immediate and lasting angry emotional response.

41. During all relevant times hereto defendant Good knew or should have known that his statements were likely to cause and did in fact cause an immediate and long lasting emotional response which as substantially caused by the actions of defendant Good.

42. In committing the acts alleged above, the individually named defendant acted maliciously and/or oppressively and were guilty of a wanton and reckless disregard for the rights, feelings and safety of Plaintiff Stephen Cashman and by reason thereof Plaintiffs are entitled to exemplary and punitive damages in the amount to be proven at trial.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs prays for judgment against the defendants, and each of them, as follows:

1. For general and compensatory damages against defendants and each of them in the amount to be proven at trial;
2. For exemplary and punitive damages against all defendants except defendant San Diego Unified School District, in an amount to be proven at trial;

3. For costs of suit herein, including reasonable attorney fees; and
4. For such other relief as the Court deems proper.

BAYUK & ASSOCIATES, Inc.

DATED: March 20, 2008

By: 

Christopher W. Bayuk, Attorneys for Kayla  
Cashman, by and through her Guardian ad  
Litem, Bernadette Hilgeman and Stephen  
Cashman, individually.

**UNITED STATES  
DISTRICT COURT**  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

**# 148977 - SH**

**March 20, 2008  
11:47:20**

**Civ Fil Non-Pris**

USAO #: 08CV0519

Judge.: ROGER T BENITEZ

Amount.: \$350.00 CK

Check#: BC1893

**Total-> \$350.00**

FROM: CASHMAN ET AL V. SDUSD ET AL

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Kayla Cashman, by and through her Guardian ad litem Bernadette Hilgeman and Stephen Cashman

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Christopher W. Bayuk - Bayuk & Associates, Inc., 401 West "A" Street, Suite 1400, San Diego, CA 92101

## DEFENDANTS

San Diego Unified School District; Jesus Montana; James Good

County of Residence of First Listed Defendant San Diego  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED  
BY: PP DEPUTY

Attorneys (If Known)

**'08 CV 0519 BEN POR**

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                                       |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
			<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. Sec. 1983

Brief description of cause:  
False arrest and prosecution of a minor - violation of civil rights

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
 DEMAND \$  
 CHECK YES only if demanded in complaint:  
 JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

3/20/08

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 148977 AMOUNT \$350 APPLYING IFP JUDGE MAG. JUDGE

SA 3/20/08

**ORIGINAL**

CR